

R E M A R K S

Claim 5 was amended to include features from the second paragraph on page 8 of the specification.

The terminology of "HPLC", which was added to claims 6 and 27, is supported on page 13 of the specification.

New claims 28 and 29 are supported on page 13, line 1 of the specification.

Applicants are pleased to note that claims 5, 6, 13 to 15, 17, 19, 21 and 25 to 27 were deemed free of any prior art rejection (see "Allowable Subject Matter" on pages 7 and 8 of the Office Action).

Claims 5, 6, 13 to 15, 17, 19, 21 and 25 to 27 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the "written description requirement" for the reasons set forth on pages 2 and 3 of the Office Action.

This rejection concerns the terminology in the claims of "collagen peptide."

Initially it is noted that claim 5 was amended hereinabove to further define the collagen protein in that a mixture of

collagen peptides is produced by enzymolysis, and the collagen protein has a number average molecular weight of 1,000 to 10,000.

It is respectfully submitted that the term "collagen peptide" need not be limited to all the specific production features set forth in the last paragraph on page 3 of the Office Action.

For the reasons discussed hereinbelow, applicants respectfully submit that the following position set forth in the last paragraph on page 3 of the Office Action is not applicable to the present claims:

"No other detailed, relevant identifying characteristics are specified which would adequately describe other useful 'collagen peptides' which, following oral administration, promote moisture retention by skin. Under these circumstances, reciting 'collagen peptides' broadly... is 'a mere wish or plan for obtaining the claimed chemical invention', not an adequate description of the same. This is especially true given the fact that the claimed 'collagen peptides' must have specific activity, i.e., they must be able to improve skin moisture and tension. The collagen peptide mixture would have to be identified with reasonable specificity; not all 'collagen peptides' would have such activity."

A person having ordinary skill in the art would easily understand the meaning of "collagen peptide" as defined in the

present claim 5, i.e., "obtained by extracting collagen from fish skin or fish bone, and producing a mixture of collagen peptides by enzymolysis, the collagen peptide having a number average molecular weight of from 1,000 to 10,000". Such person having ordinary skill in the art could straightforwardly prepare such collagen peptide from the biological material recited in claim 5 by the method recited in claim 5.

It is respectfully submitted that it should be reasonably expected in the biological chemical field that a "collagen peptide obtained by extracting collagen from fish skin or fish bone and producing a mixture of collagen peptides by enzymolysis, wherein the collagen peptide has a number average molecular weight of from 1,000 to 10,000", would have the desired chemical features, regardless of the specific means for production thereof. Accordingly, a reverse osmosis membrane treatment using a membrane is not necessarily required to prepare a collagen peptide having the specific activity as recited in applicants' claims.

The fact that the collagen peptide recited in the present claims is derived from fish skin or fish bone, rather than from a

different source in the biological kingdom, is considered to contribute to the effectiveness of the collagen peptide recited in applicants' claims to promote the amelioration of rough skin and wrinkles.

Claims 5, 6, 13 to 15, 17, 19, 21 and 25 to 27 were rejected under 35 USC 112, second paragraph, for the reasons set forth on page 4 of the Office Action.

The claims were amended by following the Examiner's suggestion to delete the terminology of "adjacent position."

It is therefore respectfully submitted that the present claims comply with all the requirements of 35 USC 112.

Claims 4, 10, 16, 18, 20, 22 and 24 were rejected under 35 USC 102 as being anticipated by Fujiwara et al. USP 5,981,510 for the reasons set forth on pages 5 and 6 of the Office Action.

Claims 9 and 11 were rejected under 35 USC 103 as being unpatentable over Fujiwara et al. USP 5,981,510 for the reasons indicated on pages 6 and 7 of the Office Action.

These prior art rejections are moot in view of the present claims.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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